Supreme Court, U.S.
FILED

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No.

In The

Supreme Court of the United States

CHAGGRIT SAWANGKAO, M.D.
Petitioner

v.

BANKERS TRUST COMPANY OF CALIFORNIA,N.A.
c/o DELTA FUNDING CORPORATION, servicing agent
et al,
Respondents

On Petition For Writ of Certiorari
To The State of New York Court of Appeals

PETITION FOR WRIT OF CERTIORARI

Chaggrit Sawangkao, M.D.
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Ridgewood, N.Y. 11385
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QUESTIONS PRESENTED

The questions presented to the Supreme Court of the United States for review are:

1, Judgment of Foreclosure and Sale, New York State Supreme Court, County of Queens, December 23, 1999 Index No. 5239/99.

2, Decision of State of New York Court of Appeals, April 5, 2005.

3, Decision of Supreme Court of the State of New York Appellate Division: Second Judicial Department, December 17, 2004.

4, Order of Supreme Court of the State of New York, County of Queens, Index No. 5239/99 March 31, 2004.

LIST OF PARTIES

[ ] All parties appear in the caption of the case on the cover page.

[X] All parties DO NOT appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

Chaggrit Sawangkao, M.D.
Defendant/Petitioner, Pro Se.
801 Seneca Avenue,
Ridgewood, N.Y. 11385
Phone: (718) 496-5250

Bankers Trust Company of California, N.A.
c/o Delta Funding Corporation, Servicing Agent, et al.
Plaintiffs/Respondents.
Attorneys: Scott A. Koltun, Esq.
Peter T. Roach & Associates
100 Jericho Quadrangle, Suite 215
Jericho, New York 11753
Phone: (516) 938-3100

Kingsland Funding Corporation.
Plaintiff/Respondent.
Attorney: Lawrence C. Mc.Court, Esq.
Heiberger & Associates.
205 Lexington Avenue, 19th. Floor
New York, N.Y. 10016
Phone: (212) 532-0500

NYC Property Rehab. Corp.
Plaintiff/Respondent
Attorney: Paul Golden, Esq.
Hagan, Coury & Associates
908 Fourth Avenue,
Brooklyn, N.Y. 11232
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APPENDIX B: Decision of State of New York Court of Appeals, April 5, 2005.
APPENDIX C: Decision of Supreme Court of State of New York, Appellate Division, December 17, 2004.
APPENDIX D: Order of Supreme Court of State of New York, County of Queens, March 31, 2004.
APPENDIX E: U.S. Constitution Amendment 14
APPENDIX F: Exhibits to Statement of the Case:
B, New First Mortgage of $ 200,000.
C, New Second Mortgage $ 50,000.
E, Kingsland Funding Itemized Finance Mortgage.
G, The real bill of NYC Department of Environmental Protection.
H, Delta Funding Corp. Settlement Statement.

IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below:

OPINIONS BELOW

[ ] For cases from federal courts:

The opinion of the United States court of appeals appears at Appendix ___ to the petition and is

[ ] reported at _____; or,

[ ] has been designated for publication but is not yet reported; or,

[ ] is unpublished.

The opinion of the United States district court appears at Appendix ___ to the petition and is

[ ] reported at _____ ; or,

[ ] has been designated for publication but is not yet reported; or

[ ] is unpublished.

[X] For cases from state courts:

The opinion of the highest state court to review the merits appears at Appendix B to the petition and is

[X] reported at www.courts.state.ny.us/ctapps; or,

[ ] has been designated for publication but is not yet reported; or,

[ ] is unpublished.

The opinion of the Supreme Court of State of N.Y. and Appellate Div. court appears at Appendix A,C.D. to the petition and is

[X] reported at www.nycourts.gov ; or,

[ ] has been designated for publication but is not yet reported; or,

[ ] is unpublished.

JURISDICTION

[ ] For cases from federal courts:

The date on which the United States Court of Appeals decided my case was _____

[ ] No petition for rehearing was timely filed in my case.

[ ] A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

[ ] An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____(date) in Application No.__A_____.

The jurisdiction of this Court is invoked under 28 U.S.C. s 1254(1).

[X] For cases from state courts:

The date on which the highest state court decided my case was April 5, 2005 . A copy of that decision appears at Appendix B .

[ ] A timely petition for rehearing was thereafter denied on the following date: NONE , and a copy of the order denying rehearing appears at Appendix _____.

[ ] An extension of time to file the petition for writ of certiorari was granted to and including NONE (date) on _____(date) in Application No.___A_____.

The jurisdiction of this Court is invoked under 28 U.S.C. s 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISION INVOLVED

In this case:

Chaggrit Sawangkao, M.D.

Petitioner,

v.

Bankers Trust Company of California, N.A.
c/o Delta Funding Corporation, servicing agent
et al,
Respondents.

The Constitutional Provisions involved is The United States Constitution, Amendment 14 Citizen's Rights: no state can take away or restrict any right to property, privilege or protection of citizens of the United States.

STATEMENT OF CASE

On or about June 6, 1997 local real estate consultant referred petitioner to consult the American Funding Corporation in Brooklyn for further evaluation in paying the real estate taxes NYCTL 1996 Trust of premises 802 Seneca Avenue, Ridgewood, N.Y. with J.E. Robert Company who managed the account, in which petitioner had begun making monthly payments already for few times before meeting with the American Funding Corporation. Waiting in that office was attorney Mastroianni of Wieder & Mastroianni Law Firm to provide service for petitioner.

On June 10, 1997 The American Funding Corporation and attorney Mastroianni referred petitioner to close mortgage on premise 802 Seneca Avenue, Ridgewood with the Kingsland Funding Corporation at 238 East 53rd. Street, New York, N.Y. 10022 in the amount financed of $ 165,000.00. Petitioner felt that was unnecessary and unusually high amount of money financed for the liability of taxes payment of $ 43,522.05 on premises 802 Seneca Avenue.

Michael Hershkowitz, the Chief Officer and Manager of the Kingsland Funding Corporation and attorney John Wieder of the Law Firm of Mastroianni & Wieder were waiting to provide service to petitioner at the Kingsland Funding Corporation office location which was also the constant work place for attorney John Wieder. Certainly it was a conflict of interest to have the associated Kingsland Funding law firm of John Wieder representing the petitioner to close the mortgage.

Michael Hershkowitz denied petitioner's request and petitioner's right to have own attorney from petitioner's community of Ridgewood for representation at the closing of the mortgage, in violation of Amendment 14 of the Constitution of the United States, Citizens' Right.

Michael Hershkowitz and the attorney transformed the premises 802 Seneca Avenue into 802 Seneca Corporation with intention to harm and cause damage to petitioner and held the corporate seal in his possession illegally all year. Michael Hershkowitz wanted to make sure that petitioner was unable to open the business account with any bank, unable to do business transaction and to refinance with any one for premises 802 Seneca Avenue.

Respondent Kingsland Funding Corporation and Michael Hershkowitz created the fraudulent and illegitimate mortgage on premises 802 Seneca Avenue, Ridgewood, N.Y. by failing to pay off the two existing mortgages: The First Mortgage $ 200,000.00 Mortgage Lender, Gen. Tienchai Sirisumpan, dated August 14, 1995 which satisfied the Note and Mortgage of Ridgewood Savings Bank dated May 20, 1987. The Second Mortgage $ 50,000.00 Mortgage Lender: S.K.S. Import-Export GMBH, dated on 02/29/1996. The copies of the two said evidences are attached hereto as Exhibits "B" and "C". The Itemization of Amount Financed created by the Kingsland Funding Corporation, dated June 10, 1997 showed no disbursement payments were made to these two lenders in the total amount of $ 250,000.00 and its copy is attached hereto as Exhibit "E".

Respondents Michael Hershkowitz and the Kingsland Funding Corporation charged the Brokers Fees twice, and unusually high fees of the amount $ 22,275.00 for

the American Funding Corporation and $22,275.00 for the Kingsland Funding Corporation as the evidence appeared in Exhibit "E".

Respondents Michael Hershkowitz and the Kingsland Funding Corporation made fraudulent bill of NYC Department of Environmental Protection of $ 22,394.52 and made the disbursement payment check, in which the real bill 8 months earlier dated October 10, 1995 was $ 2,116.64 and the copy of this bill is annexed hereto as Exhibit "G".

Kingsland Funding Corporation made petitioner pay $ 25,000.00 for the interest of this illegitimate mortgage from July 1997 to July 1998.

Respondents the Kingsland Funding Corporation and Michael Hershkowitz had caused severe psychological trauma and mental distress to petitioner since June 10, 1997. Petitioner had loss the full ability to practice medicine and caused the loss of income $ 150,000.00 per year for 6 years in the total amount of $ 900,000.00 and the loss of apartments rental income of $ 96,000.00 per year for 6 years in the total amount of $ 576,000.00 plus the wrongful loss of Medical Healthcare Market value of $ 20 millions (no. of families of patients 10,000 x $ 5,000.00/yr.), in total sum of $ 21, 476,000.00.

Delta Funding Corporation and Bankers Trust Company of California, N.A. took over and continue to carry on as the holder of the illegitimate mortgage on premises 802 Seneca Avenue, Ridgewood (Block 3461, Lot 24) from the Kingsland Funding Corporation on August 18, 1998 with the principal sum of $ 200,000.00. Respondents' Settlement Agent was the law firm of Wieder & Mastroianni who was also working at the Kingsland Funding Corporation. Two pages copies of the Settlement Statement of Delta Funding Corporation dated August 18, 1998 are annexed hereto as Exhibit "H".

Respondents Delta Funding Corporation and Bankers Trust Company of California, N.A. entered a Judgment of Foreclosure and Sale of the illegitimate mortgage premises 802 Seneca Avenue on December 23, 1999 with Index No. 5239/99 and approximate amount of lien $ 235,668.24 plus interest and costs. The action and Order certainly were wrong and unlawful. Additional supportive evidence as a letter to the New York State Attorney General dated August 16, 2000 is annexed herewith as Exhibit "J". While in process of searching and collecting factual evident documents for over six years as annexed Exhibits "A" to "Q" submitted herewith, petitioner used all means of legal rights of defense to protect petitioner's only primary home at premises 802 Seneca Avenue as a saving of a lifetime, and in process to recover property which included nine Chapter 13 Bankruptcy filings, designed and created by the Congress of The United States and Federal Law to protect home owners, whose homes had been stolen. The Forbearance Agreement on the illegitimate mortgage, Delta Funding Corporation had done fraudulently on January 01, 2001 with petitioner in severe distress, without petitioner's attorney presence, without any explanation to petitioner and made petitioner signed the documents without the presence of Notary Public at the time of the signing. On December 17, 2003, with the intent to harm and to evict petitioner from petitioner's own home premises, respondents Delta Funding Corporation and Bankers Trust Company of California, N.A. sole and closed mortgage on premises 802 Seneca Avenue with Steven Sfera, NYC Property Rehab. Corp., illegitimately, without petitioner's authorization, permission and any agreements, and without notice to petitioner in violation of petitioner's legal right as the only legitimate property owner.

On December 17, 2003 about 5 pm., following the unsuccessful attempt the night before, respondent Steven Sfera and six men armed with heavy metal instruments, broke in the building medical office premises 802 Seneca Avenue entrance door, caused extreme intimidation to petitioner and several other patients and neighbor without displaying the legitimate deed to petitioner, changed all locks of building entrance doors and all every apartment doors with intent to harm and evict petitioner. Respondents Steven Sfera, NYC Property Rehab. Corp. had caused petitioner the wrongful loss of primary home and medical office practice value of $ 3.5 millions (medical practice income $ 200,000 x 15 years = $ 3 millions with building property value $ 0.5 million) plus the wrongful loss of Medical Healthcare Market value of $ 10 millions, in total loss of $ 13.5 millions.

Delta Funding Corporation and Bankers Trust Company of California, N.A. had caused petitioner the wrongful loss of primary home in value of $ 520,000, severe psychological trauma and severe mental distress for 5 years since August 1998. Petitioner had loss the full ability to practice medicine and cause the loss of income $ 150,000.00 per year for 6 years, in the total amount of $ 900,000.00 and the loss of apartments rental income of $ 96,000.00 per year for 6 years, in the total amount of $ 576,000.00 plus the wrongful loss of Medical Healthcare Market value of $ 20 millions (no. of families of patients 10,000 x $ 5,000/yr.), in total sum of $ 21,476,000.00.